

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TONY WILLIAMS,

Plaintiff,

v.

S.L. FOSTER, et al.,

Defendants.

Case No. 3:12-cv-00660-MMD-WCG

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 65) ("R&R") relating to Defendant's Motion to Dismiss under Fed. R. Civ. P. 12(b)(1) (dkt. no. 34) and Motion for Summary Judgment (dkt. no. 40). Plaintiff had until December 28, 2014, to object to the R&R. No objection to the R&R has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and

1 recommendation to which no objections were made); *see also Schmidt v. Johnstone*,
2 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in
3 *Reyna-Tapia* as adopting the view that district courts are not required to review "any
4 issue that is not the subject of an objection."). Thus, if there is no objection to a
5 magistrate judge's recommendation, then the court may accept the recommendation
6 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without
7 review, a magistrate judge's recommendation to which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
9 determine whether to adopt Magistrate Judge Cobb's Recommendation. Defendant's
10 motions seek dismissal under Rule 12(b)(1) for lack of subject matter jurisdiction,
11 dismissal under Rule 12(b)(6) and summary judgment under Rule 56. The Magistrate
12 Judge recommended denying Defendants' motion to dismiss for lack of subject matter
13 jurisdiction and granting Defendants' motion for summary judgment. The Magistrate
14 Judge recommended judgment in favor of Defendants and against Plaintiff as to each of
15 Plaintiff's equal protection claims. Upon reviewing the R&R and underlying briefs, this
16 Court finds good cause to adopt the Magistrate Judge's Recommendation in full.

17 It is therefore ordered, adjudged and decreed that the Report and
18 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 65) is accepted and
19 adopted in its entirety.


20 It is ordered that Defendants' motion to dismiss (dkt. no. 34) is denied.

21 It is further ordered that Defendants' motion for summary judgment (dkt. no. 40)
22 is granted.

23 It is further ordered that the Clerk enter judgment in favor of Defendants and
24 against Plaintiff as to each of Plaintiff's equal protection claims.

25 The Clerk is instructed to close this case.

26 DATED THIS 26th day of March 2015.

27 
28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE